

**FILED - GR**

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CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: KB SCANNED BY: KB 4-23

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

**BRITTANY E. MARTIN,**

Plaintiff,

v.

**HENN LESPERANCE PLC., et al.,**

Defendants.

Case No.: 1:24-cv-72

HON. Hala Y. Jarbou

**ORAL ARGUMENT REQUESTED**

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**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO EXTEND THE TIME ALLOWED  
FOR PLAINTIFF TO RESPOND TO DEFENDANTS' MOTION TO DISMISS AND  
APPEAL FROM MAGISTRATE JUDGE'S ORDER**

**I. BACKGROUND**

1. Defendants' motion to dismiss Plaintiff's Complaint was filed on March 21, 2024. (ECF No. 14.)
2. Magistrate Judge entered a nondispositive Order in this case on April 16, 2024. (ECF No. 19.)

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MAGISTRATE JUDGE'S ORDER 1

3. During their Local Rule 7.1 meet-and-confer on April 22, 2024, in light of an unexpected death in Plaintiff's family and Plaintiff's obligations arising from these circumstances, Plaintiff sought to amicably resolve the need for an extension of the time allowed for her to respond to Defendants' motion to dismiss and to appeal from magistrate judge's nondispositive Order until May 6, 2024 through a stipulation with opposing counsel, however, despite her best efforts to resolve the issue without the Court's intervention, she was unsuccessful, and as a result, the issue necessitates the Court's intervention to prevent undue prejudice to Plaintiff. (Email correspondence between Plaintiff and opposing counsel and Plaintiff's proposed stipulations as **EXHIBIT A.**)

## **II. AUTHORITY**

4. Fed. R. Civ. P. Rule 6(b)(1)(A) provides that a Court may, for good cause shown, extend the time for an act to be done if a party makes such request before the original time expires.
5. Fed. R. Civ. P. Rule 6(b)(1)(B) provides that a Court may, for good cause shown, extend the time for an act to be done after the time has expired if the party failed to act because of excusable neglect.

## **III. ARGUMENT**

6. Although Defendants contend that the time for Plaintiff to respond to the motion to dismiss expired last week, Plaintiff, having been served by mail, maintains that the extended deadline under Fed. R. Civ. P. 6(d) aligns with today's date and thus her time has not yet expired.

7. Regardless of this contention, Plaintiff seeks this extension on the grounds of excusable neglect, given the recent personal and unavoidable circumstances, and that there is
8. Plaintiff's time to appeal from Magistrate Judge's Order has not yet expired.
9. Good cause exists to grant this extension, as the adjournment will ensure that all parties are adequately prepared to contribute effectively to the proceedings, thereby facilitating a more equitable and efficient adjudication of the case. The hardships that Plaintiff faces without an extension are substantial and risk a profound miscarriage of justice, whereas the delay caused by an extension is unlikely to prejudice Defendants in the slightest, merely extending the responsive deadlines without undermining their position.

#### IV. CONCLUSION AND REQUEST FOR RELIEF

**WHEREFORE**, Plaintiff respectfully requests and that this Honorable Court enter an order to extend the time allowed for Plaintiff to respond to Defendants' motion to dismiss and to appeal from magistrate judge's nondispositive Order until May 6, 2024, and grant her any further relief this Court deems just and proper.

Respectfully submitted,

Brittany E. Martin  
*Plaintiff in Pro Se*

Dated: \_\_\_\_\_

4-22-2024

By: \_\_\_\_\_

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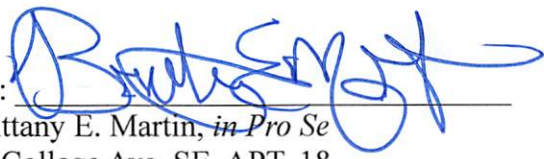
**Certificate of Compliance**

I hereby certify that this Motion and supporting Brief contains 844 words, including headings, footnotes, and this paragraph and signature, as computed by Microsoft Word version 2023.

Respectfully submitted,

Brittany E. Martin  
*Plaintiff in Pro Se*

Dated: 4-22-2024

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